



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,701	10/31/2003	Eri Ikenaga	62807-148	8373
20277 7590 06/05/2007 MCDERMOTT WILL & EMERY LLP 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096			EXAMINER NGUYEN, QUANG N	
			ART UNIT 2141	PAPER NUMBER
			MAIL DATE 06/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/697,701

Applicant(s)

IKENAGA ET AL.

Examiner

Quang N. Nguyen

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-11 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892).
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 20040315.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Detailed Action

1. This Office Action is responsive to the Application 10/697,701 filed on 10/31/2003. Claims 1-11 are presented for examination.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 03/15/2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

4. Claim 3 is objected to because of the following informalities:

On lines 5-6 of claim 3: "a second ID for relating the transaction processing of the first and ..." is suggested to be "a second ID for relating the transaction processing of the first transaction processing means and ...". Appropriate correction is required.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. **Claims 1-2, 4, 6-7 and 9-11 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

7. Claims 1-2 only appear to be producing a tangible result, which enables any usefulness of having determined that "a failure occurs in the transaction processing which has been requested to execute". Under all other conditions (*such as, having determined that a failure DOES NOT occur in the transaction processing which has been requested to execute*), the final result achieved is a determination, which has not been used nor made available for use in the disclosed practical application (*for example, the specifying step to inquire a third ID and the generating mapping information step will not occur*). As such, no usefulness of having made the determination can be realized.

8. Claim 4 is a dependent claim of claim 2; consequently, it is rejected under the same rationale, at least by virtue of its dependency from the independent claim.

Art Unit: 2141

9. Claims 6-7 and 9-10 are corresponding apparatus and program claims of method claims 1-2; therefore, they are rejected under the same rationale.

10. As to claims 9-11, it appears that claims 9-11 would reasonably be interpreted by one of ordinary skill as a system of "software", functional descriptive material, per se, failing to fall within a statutory category of invention. As such, the "program" alone (when not being encoded/embodied in a computer-readable storage medium and not being executed by a computer processor) is not a machine, and it is clearly not a process, manufacture nor composition of matter. Thus, the claims are not limited to statutory subject matter and are therefore nonstatutory.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

12. **Claims 1-3 and 6-11 are rejected under 35 U.S.C. 102(a) as being anticipated by Kengo et al. (JP Pub. 2002-324001), hereinafter "Kengo".**

Art Unit: 2141

13. As to claim 1, **Kengo** teaches a transaction processing method comprising the steps of:

relating a first identification (ID) for identifying a transaction processing of first information processing means with a second ID for relating the transaction processing of the first transaction processing means with a transaction processing of second information processing means and storing the related first and second ID's in a first mapping table (*i.e., the transaction identifier was added is outputted and stored in log file 3a from information processing system 1a*) (**Kengo, paragraphs [0025-0026]**); and

transmitting the second ID and a transaction processing request to the second information processing means to request execution of a transaction processing in the second information processing means (*i.e., the transaction identifier and transaction processing request is inputted in the information processing system 1b*) (**Kengo, paragraphs [0027]**), and

if a failure occurs in the transaction processing which has been requested to execute, specifying the second ID of the transaction processing to inquire a third ID for identifying the transaction processing, thereby generating mapping information for relating the first ID corresponding with the specified second ID with the inquired third ID (*since a transaction identifier is added and stored in each of the log files 3, each log of the information processing performed with each information processing system 1 can extract all the target logs based on transaction identifiers about a certain information processing*) (**Kengo, paragraphs [0031-0032]**).

14. As to claim 2, **Kengo** teaches a transaction processing method comprising the steps of:

receiving a second ID for relating transaction processings of first and second information processing means with each other and a transaction processing request from said first information processing means (*i.e., receiving the transaction ID for relating transaction processings of the information processing systems 1a and 1b*), relating said second ID to a third ID for identifying the transaction processing of the second information processing means, storing the related ID's in a second mapping table, and executing the requested transaction processing (*i.e., the transaction ID and transaction processing request is inputted in the information processing system 1z*) (**Kengo, paragraphs [0028-0030]**),

if a failure occurs in the executed transaction processing, holding a record in the second mapping table relating the second ID of the transaction processing with the third ID for a predetermined period of time (*if abnormalities occur, the information processing in two or more information processing systems can be accurately pursued since the transaction information to which the transaction identifier concerned was added is extracted from a storage means*) (**Kengo, paragraph [0014]**), and

if an inquiry in which the second ID is specified is made, reading out the third ID corresponding to the specified second ID from the second mapping table and transmitting the read out third ID to the first information processing means (*since a transaction identifier is added and stored in each of the log files 3, each log of the information processing performed with each information processing system 1 can*

extract all the target logs based on transaction identifiers about a certain information processing) (**Kengo, paragraphs [0031-0032]**).

15. Claim 3 is a combination claim of claims 1 and 2; therefore, it is rejected under the same rationale.

16. Claims 6-8 and 9-11 are corresponding apparatus and program claims of method claims 1-3; therefore, they are rejected under the same rationale.

Allowable Subject Matter

17. Claims 4-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

18. Further references of interest are cited on Form PTO-892, which is an attachment to this Office Action.

Art Unit: 2141

19. A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Quang N. Nguyen
Patent Examiner
AU – 2141